

JAMES J. CONINI
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

08 OCT 16 PM 3:19

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

2:08 cr 202

vs.

THOMAS MICHAEL SMITH
GEORGE V. KUCEWICZ
ROBERT S. GOODWIN
DANIEL E. MCGRATH

No. _____
21 U.S.C. §841(a)(1)
21 U.S.C. §841(b)(1)(A)(vii)
18 U.S.C. §846
18 U.S.C. §853(a)(1)(2)

JUDGE SARGUS

I N D I C T M E N T

THE GRAND JURY CHARGES:

COUNT ONE

Beginning in or about January of 2001, and continuing to and including August 22, 2007, the exact dates being unknown, in the Southern District of Ohio, and elsewhere, the defendants, THOMAS MICHAEL SMITH, GEORGE V. KUCEWICZ, ROBERT S. GOODWIN and DANIEL E. MCGRATH did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and diverse other person both known and unknown to the grand jury, to distribute and to possess with the intent to distribute over 1000 kilograms of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§841(a)(1) and 841(b)(1)(A)(vii).

It was part of this conspiracy that the defendant THOMAS

MICHAEL SMITH would import thousands of kilograms of marijuana from Mexico, which was then was then stored in various stash houses in Tucson, Arizona.

It was further part of the conspiracy that defendant **THOMAS MICHAEL SMITH** would facilitate transportation of marijuana from Tucson, Arizona, to Ohio.

It was further part of the conspiracy that on numerous occasions defendant **GEORGE V. KUCEWICZ** would be paid to drive the shipments of marijuana from Tucson, Arizona, to Ohio.

It was further part of the conspiracy that on numerous occasions defendant **ROBERT S. GOODWIN** would travel from California to Columbus, Ohio to receive hundreds of kilograms of marijuana which had been transported at the direction of defendant **THOMAS MICHAEL SMITH**. **GOODWIN** was then paid to transport and distribute this marijuana to individuals living outside the state of Ohio.

It was further part of the conspiracy that on numerous occasions defendant **DANIEL E. MCGRATH** would travel from Mansfield, Ohio, to Columbus, Ohio, to receive hundreds of kilograms of marijuana which had been transported at the direction of defendant **THOMAS MICHAEL SMITH**. **MCGRATH** was then paid to transport and distribute this marijuana to individuals living outside the state of Ohio.

It was further part of this conspiracy that defendant **THOMAS**

MICHAEL SMITH would pay for airplane tickets on Southwest Airlines in cash at Tucson airport, but would fly to Columbus, Ohio, on Southwest Airlines from Phoenix, Arizona.

It was further part of this conspiracy that defendant **THOMAS MICHAEL SMITH** would fly to Columbus, Ohio, on Southwest Airlines from Phoenix, Arizona, to oversee the distribution of marijuana and collect money from the sale of the marijuana.

It was further part of the conspiracy that defendant **GEORGE V. KUCEWICZ** would be paid to drive the shipments of the cash proceeds of marijuana sales from Ohio to Tucson.

In violation of 21 U.S.C. §846.

COUNT TWO
FORFEITURE

Pursuant to 21 U.S.C. §853(a)(1) and (2), as a result of the violations in Count 1, the defendants **THOMAS MICHAEL SMITH**, **GEORGE V. KUCEWICZ**, **ROBERT S. GOODWIN** and **DANIEL E. MCGRATH** shall forfeit to the United States;

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

Substitute Assets

Pursuant to 21 U.S.C. §853(p), if any of the property that is forfeitable to the United States under 21 U.S.C. §853(a)(1) and (2) for violations of Counts 1;

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendants **THOMAS MICHAEL SMITH, GEORGE V. KUCEWICZ, ROBERT S. GOODWIN and DANIEL E. MCGRATH** up to the value of any property described immediately above.


In violation of 21 U.S.C. §853(a)(1) and (2)

A True Bill

s/Foreperson

FOREPERSON

GREGORY G. LOCKHART
United States Attorney


GARY L. SPARTUS (0023428)
Deputy Criminal Chief